

# COMMON WAYS TO HOLD TITLE IN CALIFORNIA



	Joint Tenancy	Tenancy in Common	Community Property	Community Property with Right of Survivorship	Trust	Partnership
Parties	Any number of persons (can be husband and wife)	Any number of persons (can be husband and wife)	Can only be husband and wife or domestic partners	Can only be husband and wife or domestic partners	Any number of beneficiaries	Any number of partners
Title	In the names of the individual owners	Each owner has separate legal title to interest	In the name of the community. Each interest is separate.	In the name of the community. Each interest is separate.	Title is in the name of the trustee	Title is in the name of the partnership
Division	Ownership must be equal	Any number of equal or unequal interests	Ownership is equal except control of business	Ownership and managerial interests are equal	Ownership is a personal property interest. May be divided into any number of interests	Partnership interests may be equal or unequal
Conveyance	Conveyance by one co-owner without the other breaks the joint tenancy	Each co-owner's interest may be conveyed separately	Conveyance requires written consent by other spouse	Conveyance by one co-owner without the other breaks the joint tenancy	Trustee may convey in accordance with the trust agreement and authorization of designated parties in the trust	A partner authorized by the partnership may convey
Possession	Equal right of possession	Equal right of possession	Both owners have equal right of possession	Both owners have equal right of possession	Right of possession is determined by trust agreement	Equal possession for purposes of partnership only
Successor's Status	Last survivor owns the entire interest	Heirs or devisees become tenants in common	Tenancy in common between devisee and survivor results	Survivor owns entire interest	Trust agreement provides for distribution; usually successor joins trust	Heirs or devisee have rights in partnership interest but not in the specific property
Death	Decedent's interest passes to the survivor(s) and cannot be passed by will	Decedent's interest passes to the decedent's estate with no right of survivorship	1/2 belongs to survivor and 1/2 goes by will to decedent's estate	Decedent's 1/2 interest passes to the survivor	Trust agreement usually provides for distribution upon death	Partnership agreement provides for either liquidation of partnership or continuation with interest passed to surviving partner
Creditor's Rights	Co-owner's interest may be sold at an execution sale to satisfy the creditor; joint tenancy is broken	Co-owner's interest may be sold at an execution sale to satisfy the creditor; creditor becomes tenant in common	Community property is liable for the debts of either spouse incurred before or during marriage	Community property is liable for the debts of either spouse incurred before or during marriage	Creditor may seek execution sale on the beneficial interest or order that trust estate be liquidated	Only a partner's profits can be executed upon by the creditor, not the interest itself

Information deemed reliable, but not guaranteed.